

**DECISION**

THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

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FILE: B-184579

DATE: JUN 14 1971

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MATTER OF:

Willard E. Justice - Reimbursement for  
temporary quarters

DIGEST:

Incident to sale by employee of house occupied by employee and family at time transfer was authorized, employee contracted to pay rent on house until vacated. Employee is not entitled to reimbursement of rent paid since house was not temporary quarters but rather permanent residence.

The Director of the Motor Equipment Services Division, Region 8, General Services Administration, has requested an advance decision as to whether an employee may be reimbursed for the cost of renting his residence at his old official duty station while the residence, which had been sold incident to the employee's transfer, was occupied by himself and his immediate family.

Requests for decisions in matters such as this, where no voucher is involved, should be requested by the head of a department or establishment of the Government. However, since the submission involves an actual case, it will be treated as a request for an advance decision by the Administrator of the General Services Administration and our decision rendered under the broad authority of 31 U.S.C. § 74 (1970). That statute authorizes this Office to provide decisions to the head of agencies on any question concerning payments which may be made by an agency.

Mr. Willard E. Justice, an employee of the General Services Administration, was transferred from Dayton, Ohio, to Denver, Colorado, with a reporting date of June 15, 1971. Incident to the sale of his residence at his old official duty station, Mr. Justice agreed to pay to the buyer of the residence rent at the rate of \$7.77 per day for the period from May 31, 1971, to the date the dwelling was vacated by the seller. The rent was comparable to the purchaser's new mortgage payment. Mr. Justice vacated his old residence on June 26, 1971, and thus incurred a rental fee of \$209.79. Mr. Justice contends that his continued occupancy of his old residence subsequent to its sale allowed him to avoid incurring temporary quarters expenses for 27 days at his new official duty

station. Mr. Justice further contends that his action resulted in savings to the Government, and thus he should be reimbursed for the rental expenses.

Paragraph 2-5.2c of the Federal Travel Regulations (FTRM 101-7) (May 1973) provides:

"c. What constitutes temporary quarters. The term 'temporary quarters' refers to any lodging obtained from private or commercial sources to be occupied temporarily by the employee or members of his immediate family who have vacated the residence quarters in which they were residing at the time the transfer was authorized."

Neither Mr. Justice nor the members of his family vacated the residence in which they were residing until July 26, 1974. Even though it appears that there was a change in the ownership of the property prior to July 26, the dwelling vacated was employee's permanent residence until it was vacated. Since it is evident that the dwelling was not temporary quarters under the definition cited above, reimbursement for the rental expenses would be improper. This result is not altered by the fact that an alternate action by the employee might have resulted in reimbursement costs greater than the rental costs claimed.

Accordingly, no reimbursement for the rent incurred while occupying the residence is payable.

R.F.KELLER

Acting Comptroller General  
of the United States